

REMARKS

The claims have been amended to more clearly define the invention as disclosed in the written description. In particular, the claims have been amended for clarity.

The Examiner has rejected claims 1-5, 8 and 10 under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent Application Publication No. 2004/0042629 to Mellone et al. in view of U.S. Patent 6,819,771 to Menzies and U.S. Patent 7,110,535 to Bodley et al. The Examiner has further rejected claim 6 under 35 U.S.C. 103(a) as being unpatentable over Mellone et al. in view of Menzies and Bodley et al., and further in view of U.S. Patent 5,727,070 to Coninx. In addition, the Examiner has rejected claim 7 under 35 U.S.C. 103(a) as being unpatentable over Mellone et al. in view of Menzies and Bodley et al. Furthermore, the Examiner has rejected claim 9 under 35 U.S.C. 103(a) as being unpatentable over Mellone et al. in view of Menzies and Bodley et al., and further in view of U.S. Patent 6,961,591 to Osano.

The Mellone et al. publication discloses automatic earpiece sensing, in which an earpiece may be worn on either ear of a user, and includes a housing electronics for processing audio signals, and a pivotable means for controlling whether, depending on which ear the earpiece is used, left or right sound signals are delivered to the earpiece.

The Menzies patent discloses a vest with piezoelectric transducer for practicing music, in which a variety of sound generating piezoelectric transducers are located in respective

pockets of a vest, wherein a user generates different sounds by impacting the pocket-contained piezoelectric transducers.

The Bodley et al. patent discloses a headset communication unit in which a gravity sensor is included to determine on which ear the unit is being used.

Applicants submit, however, that none of the above references disclose or suggest "said detector detects in dependence on a history of the sensed gravity, such that short glitches in the user interface are prevented when the orientation of the electric device changes relatively rapidly." This prevents the electric device from changing its configuration due to the user moving his/her head, for example, when picking up an item on the floor.

The Coninx patent discloses a hearing-aid system having a remote control unit for controlling the sound level reproduced by headphones.

Applicants submit, however, that Coninx neither discloses nor suggests "the electric device further comprises control means for controlling the loudness level, the first function being associated with the control means to increase the loudness level in the range of loudness levels, the second function being associated with the control means to decrease the loudness level in the range of loudness levels." Arranged as such, the control means of the first part increases the loudness level and the control means of the second part decreases the loudness level when the electric device in the first configuration, while the control means of the first part decreases the loudness level and the control means of

the second part increases the loudness level when the electric device is in the second configuration.

Further, Applicants submit that Coninx does not supply that which is missing from Mellone et al., Menzsies and Bodley et al., i.e., "said detector detects in dependence on a history of the sensed gravity, such that short glitches in the user interface are prevented when the orientation of the electric device changes relatively rapidly."

The Osano patent discloses a hand held telephone set and audio processing method, in which a remote control is included for remotely controlling the telephone set, and includes headphone outputs to which headphones/earphones may be connected.

However, Applicants submit that Osano does not supply that which is missing from Mellone et al., Menzsies and Bodley et al., i.e., "said detector detects in dependence on a history of the sensed gravity, such that short glitches in the user interface are prevented when the orientation of the electric device changes relatively rapidly."

In view of the above, Applicants believe that the subject invention, as claimed, is not rendered obvious by the prior art, either individually or collectively, and as such, is patentable thereover.

Applicants believe that this application, containing claims 1-10, is now in condition for allowance and such action is respectfully requested.

Respectfully submitted,

by /Edward W. Goodman/
Edward W. Goodman, Reg. 28,613
Attorney
Tel.: 914-333-9611